

FILED

April 27 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 10-0180

JOSEPH CURTIS MORRISON, JR.,

Petitioner,

v.

WARDEN CAPTAIN O'FALLON and MIKE
FERRITER (DOC),

Respondents.

ORDER

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STATE OF MONTANA

Joseph Curtis Morrison, Jr. (Morrison) has filed a Petition for a Writ of Habeas Corpus, and requested leave to proceed without paying the filing fee. Having considered the petition and motion,

IT IS ORDERED that the request to proceed without paying the filing fee is GRANTED.

IT IS FURTHER ORDERED that the Attorney General and/or counsel for the Department of Corrections are granted 30 days from the date hereof within which to prepare, file and serve a written response to the petition, addressing Morrison's contentions that: (a) the arresting officer had no jurisdiction to arrest him for the instant offense, so the District Court in turn had no subject matter jurisdiction to convict him; and (b) that his tribal court DUI convictions may not be counted against him so as to reach the level of a felony DUI.

The Clerk of Court is directed to provide a copy of this Order to the Attorney General, the Department of Corrections, and to Morrison.

DATED this 27th day of April, 2010.

Patricia Carter

W. William Byrd

John Rice

Brian Morris

Michael Wheeler

Justices